



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,816	01/14/2004	Billy B. Edwards	27475/05282	1815

24024 7590 09/13/2004

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,816

Applicant(s)

EDWARDS ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The disclosure is objected to because of the following informalities: A period should follow the last line of the Abstract.

Appropriate correction is required.

The drawings are objected to because reference numerals 330 [0039, lines 3,8] and 320 [0039, line 7] are not shown. Also, figures 1A-1G should be labeled as "PRIOR ART". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 11 and 12 including a second cylinder as well as the second cylinder rotating a second number of degrees relative to the first cylinder between locked and unlocked positions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1, 4, 8, 10 and 13 are objected to because of the following informalities: In claim 1, line 1, it appears that —comprising—should follow "mechanism". In claim 1,

Art Unit: 3676

line 13, "direction" should be replaced with --position--. In claim 4, line 13, "direction" should be replaced with --position--. In claim 8, line 1, --one or more--should be inserted after "said". In claim 8, line 2, it appears that "first" should be replaced with --second--. In claim 10, line 2, "rotated" should be replaced with --rotate--. In claim 13, line 2, "sidebars" should be replaced with --one or more sidebar members--.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Raymond et al (413).

Raymond et al teaches a locking mechanism including a lock shell 10 having a cavity rotatably receiving a cylinder 12 having a keyway 24, a plurality (at least four as seen in figure 1) of tumblers 50, 70 to engage a portion 52 of the shell, a sidebar 16 movable in a direction perpendicular to the direction of movement of the tumblers, wherein the sidebar engages a raised surface (the inclined surface at 18 in fig. 6) relative to the bottom flat surface at the numeral 18 in fig. 6. Also, with respect to fig. 4, the sidebar engages a raised inclined surface relative to a bottom surface defined by the bottom of the cavity 46. The sidebar disengages the raised surface when the sidebar is unlocked and the cylinder is turned. With respect to claim 3, any of the tumblers 50, 70 may be regarded as a shell locking tumbler.

Art Unit: 3676

Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasper (154).

Kasper teaches a lock shell 19 having a cavity 31 as seen in fig. 1 to rotatably receive a key cylinder 23, the lock cylinder is removable and can rotate between locked and unlocked positions, a plurality of tumblers 20 (see USPN 4,635,455 referred to in column 5, line 18 of Kasper) cooperable with a sidebar 38, wherein the key cylinder is only removable when it is rotated by retracting the sidebar to its unlocking position and rotatably disengaging portions 34, 35 of the cylinder of Kasper from the groove 32 of the shell. The sidebar 38 of Oliver (455) engages and disengages a raised surface defined by the inclined surface 42 in figure 2 thereof, with respect to the flat bottom surface of the slot 36. With respect to claims 3, 6 and 7, Oliver also teaches at least four tumblers 20, and any one of those tumblers 20 may be regarded as a shell locking tumbler. Kasper also teaches what may be regarded as a second lock cylinder 60 in fig. 1. With respect to claim 12, the number of degrees moved between locked and unlocked positions is regarded as a structurally unsupported functional limitation, of no patentable significance. Further, any rotated angle may be regarded as an unlocked position relative to the locked position. With respect to claim 13, the sidebar 38 shown in USPN 4,635,455 engages a inclined raised edge 42 relative to the flat bottom surface of the slot 36.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3676

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al (413) in view of Richter.

As seen in fig. 5, Richter teaches a sidebar 16 spring-biased 15 into its unlocked, disengaged position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to bias the sidebar of Raymond et al (413) to its unlocking position, in view of the teaching of Richter, to aid in preventing the sidebar from binding with the lock shell when it is intended to move inwardly to its unlocking position.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper in view of Field (168).

Assuming claims 11 and 12 are referring to a key-operated second cylinder, Field in fig. 7 teaches that it is well known to provide a second interchangeable cylinder for use in a lock shell. To provide a second key-operated cylinder in the locking assembly of Kasper, would have been obvious in view of the teaching of Field (168), the motivation being to allow the lock to be re-keyed, when desired.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

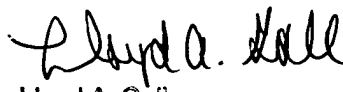
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
September 9, 2004


Lloyd A. Gull
Primary Examiner